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PTO/SB/61 (10-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)
Data 10 Con Cip

First named inventor: Leschinsky, Boris
Application Number: 09/880,241
Filed: 06/13/2001
Title: Method and Apparatus for Treating Aneurysms
Attention: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Group Art Unit: 3763 Conf. #6509
Examiner: Rodriguez, Cris Loiren

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OCT 29 2003

OFFICE OF PETITIONS

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to the to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay

1. Petition fee

Small entity - fee \$ _____ (37 CFR 1.17(l)). Applicant claims small entity status.
See 37 CFR 1.27.

 other than small entity - fee \$ \$110.00 (37 CFR 1.17(l)).

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of an Amendment and Petition for an Extension of Time :

- ☒ has been filed previously on August 25, 2003, see attached.
- ☒ is enclosed herewith, the Examiner on 10/06/03 said it had not yet been received.

B. The issue fee of \$ _____
has been paid previously on _____
is enclosed herewith.

10/28/2003 AMONDAF1 00000177 040170 09880241

01 FC:1452 110.00 DA

Adjustment date 10/28/2003
10/28/2003 AMONDAF1 00000177 040170 09880241
01 FC:1452
12/29/2003 AKELLEY 00100009 040170 09880241
01 FC:1253

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3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$_____ for a small entity of \$_____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

October 21, 2003

Date

J. Gary Mohr
DataScope Corp.
14 Philips Parkway
Montvale, New Jersey 07645

Telephone (201) 307-5514

☒ Fee Payment, Charge Deposit account 04-0170 for any fee due. Duplicate copy enclosed

☒ Reply, prior reply and request for extension of time attached.

Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unavoidable delay

X Post Card

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

October 21, 2003

Date

J. Gary Mohr
Signature

J. Gary Mohr

Typed or printed name of person signing certificate

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

October 21, 2003
Date

Signature

J. Gary Mohr
Attorney for Applicant
Reg. No. 27,575
(201) 307-5514

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply)

The response was filed on time as indicated by the attached response and extension of time. For some reason, however, the response has not yet reached the Examiner. Shortly after receiving the Notice of Abandonment I called the Examiner to see if the response had yet reached him, but he said it hadn't and therefore I am doing this Petition to Revive, since for some unavoidable reason the response has not reached the Examiner.

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(Please attach additional sheets if additional space is necessary)